

**BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

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IN THE MATTER OF LILA	:	STIPULATION TO AMEND
CANYON EXTENSION TO THE	:	
HORSE CANYON MINE,	:	ORDER
CARBON AND EMERY	:	
COUNTIES, UTAH	:	
	:	CAUSE NO. C/007/013
	:	

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The Division of Oil, gas, and Mining, (Division), UtahAmerican Energy Inc., (UEI), Emery County, and the Southern Utah Wilderness Alliance (SUWA), parties to the above entitled Informal Conference, HEREBY agree and stipulate as follows:

RECITALS

1. The Division has determined that: tribal consultation as required by Section 106 of the National Historic Preservation Act (NHPA) pursuant to 36 CFR Part 800 has not been completed and must be done as part of the permit review process; this consultation has been delegated to the Division by OSM pursuant to 36 CFR 800.2(a); the time required to complete this consultation and make a finding as required by the NHPA will extend the process for at least 60 days; and the actual amount of additional time will depend on the nature of the responses.
2. A decision based on incomplete analysis and made prior to completion of the Section 106 consultation, would be a partial approval and a partial denial, or require a modification of the permit application, and proceeding with such a partial decision would put all parties to the burden of filing appeals and then either proceeding to

appeal the partial actions, or stipulate to holding the appeal of the decision in abeyance pending complete evaluation of the application.

3. The Division and UtahAmerican Energy Inc., (UEI), the permit applicant, have entered into a letter agreement attached to this Stipulation providing that the time limits provided in Utah Code §40-10-14(1) shall be extended for time required to complete the tribal consultations and determinations required by NHPA prior to issuing a permit.

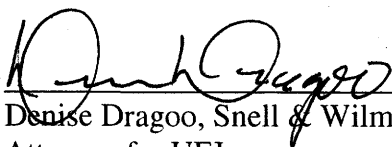
STIPULATION

NOW THEREFORE, the parties to the Informal conference stipulate that:

1. The Order requiring the Division to issue written findings granting or denying the permit in whole or in part within 60 days of the informal conference be amended consistent with the letter agreement between the Division and UEI; and
2. The Amended Order provide that the Division be allowed additional time prior to making its final decision on the permit application, as necessary to complete the tribal consultations and determinations required by NHPA .

AGREED TO on behalf of the parties on the date last executed by the signatures of the following persons

UTAHAMERICAN ENERGY INC., (UEI)


Denise Dragoo, Snell & Wilmer
Attorney for UEI

Dated 01/17/06

UTAH DIVISION OF OIL, GAS, &
MINING


Mary Ann Wright
Associate Director

Dated 1/18/06

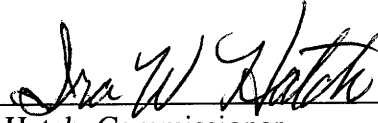
SOUTHERN UTAH WILDERNESS
ALLIANCE



Stephen Bloch, Attorney for SUWA

Dated 1/17/06

EMERY COUNTY



Ira Hatch, Commissioner

Dated 01/17/06

**BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

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IN THE MATTER OF LILA
CANYON EXTENSION TO THE
HORSE CANYON MINE,
CARBON AND EMERY
COUNTIES, UTAH

:
:
:
:

AMENDMENT TO

ORDER

CAUSE NO. C/007/013

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The Division of Oil, Gas, and Mining, (Division), UtahAmerican Energy Inc., (UEI), Emery County, and the Southern Utah Wilderness Alliance (SUWA), parties to the above entitled Informal Conference, have filed a Stipulation (with an attached Letter Agreement between the Division and UEI) requesting that the presiding Officer Amend his Order issued on December 2, 2005 to the extent that an amendment of the Order may be necessary, to provide that the Division be allowed additional time prior to making its final decision on the permit application, as necessary to complete the tribal consultations and determinations required by National Historic Preservation Act.

Based on this Stipulation, in order to accommodate the Division's careful and lawful completion of its review of the application, to provide for the efficient complete review of the permit application, to facilitate a review of the application in a manner that is in the best interest of all of the parties to the Informal Conference, and for good cause appearing;

IT IS HEREBY ORDERED that:


1. The Order issued December 2, 2005 is Amended to provide that the Division shall make its decision on the permit application upon completion of the tribal

consultations and determinations required by National Historic Preservation

Act or as soon thereafter as reasonable to prepare the decision; and

2. Except as modified by this Amended Order, the Order and the accompanying Findings of Fact, Conclusions of Law and Order remain in effect without alteration.

DATED this 19th day of January, 2006



John R. Baza, Director
Division of Oil, Gas and Mining

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing Notice of Supplemental to Amend Informal Conference for Cause No. C/007/013 to be mailed by certified mail, postage prepaid, on the 20 day of January 2005 to the following:

7099 3400 0016 8895 6733

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UtahAmerican Energy, Inc.
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Ira Hatch
P.O. Box 629
Castle Dale Utah 84513

Vickie Southwick
Executive Secretary
Division of Oil, Gas and Mining